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US DISTRICT COURT E.D.N.Y.

★ JUN 03 2016 ★

United States District Court
Eastern District of New York

BROOKLYN OFFICE

15CV3462 ARR-ST

Motion For Release
Pursuant to CPLR 160.05

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Jacqueline Silver

Plaintiff,

---against---

Defendants ,

City of New York et al

Hon. Allyne R. Ross

I am the plaintiff in the above referenced action. In the United States Judge Magistrate Steven L. Tisciones order it states that I have to provide the release under **CPLR Section 160.05**. There is no section 160.05 in the CPLR. Section 160.05 is the penal law, robbery in the third degree. I need clarification on exactly what I need to provide as once again there is no section in the CPLR under 160.05. Plaintiff isn't clear on what the release is for and why is it needed to get the names of the police officers that brutalized me. It is apparent that the defendants counsel are not going to produce the names of the police officers and never had any intention of doing so.

Your Honor, this is another reason why I need an attorney . I am in the process of looking for an attorney to represent me, as it has taken on many complexities.

Your Honor, as a pro se litigant, I do the best with whatever resources I have available. Back in your order dated December 14th , 2015 you requested the Corporation Counsel for the City of New York to ascertain the full names of the police officers that used excessive force on me that morning of May 27, 2015 within 45 days of this order. IT WAS NEVER DONE. Once

again the papers cannot be served without the names. Instead of complying with your order, the Corporation Counsel did a Motion To Dismiss on the grounds that its time barred. Your Honor, once again, you ordered them on April 7th to comply with your original order and provide to the court the address where the John Does could be served, within 30 days of your order dated April 7th. Once again, instead of complying with your order, the Corporation Counsel submitted a letter Motion to the court that they want me to provide a release pursuant to the CPLR 160.05 on May 6th, 2016, one day before the names were supposed to be provided. This is the second time you requested/ ordered the Corporation Counsel to provide the information and this is the second time they ignored your order/request.

The Corporation Counsel is using stale tactics, ignoring your order and turning it around and blaming the plaintiff for not giving them the information/release, because they have no defenses. Plaintiff feels at this point that they are not going to provide the names and they are taking advantage because plaintiff is prose. The courts don't like to dismiss the cases on technicalities, but on the merits. The Corporation Counsel is trying to dismiss my case at the umbilical cord not on the merits. Every time you order them to produce the names they come back with another excuse. United States Judge Magistrate Steven L. Tisciones order stated that I have to provide the release by May 30th. As we are aware that was a legal holiday. The Judge gave the Corporation Counsel a month from the day I have to provide the release (June 30th) to come up with the names of the police officers, when it should've been done back in January of this year. Plaintiff had under two weeks, with a holiday weekend, to provide the release and on top of it wrong statute is cited in the order. Plaintiff feels this is a double standard and is not being treated fairly. Plaintiff isn't clear on why the court is being lenient with the OCC. Corporation Counsel is evading the courts order to provide the names and has no regard for the legal system.

It has been over five months since your original order to produce the documents. The complaint was never served on the police officers. How is the court letting them get away with not complying to the courts two requests/orders. If it is warranted, plaintiff requests the court to impose sanctions and or fees, whatever is applicable on the Corporation Counsel.

Wherefore, Hon Ross, I am requesting that the Corporation Counsel provide the court with the requested information from your last two orders before June 30th, as it was months ago

that they were ordered to do this. Once plaintiff gets clarification on the release- pursuant to CPLR 160.05 that Magistrate Tiscione requested me to provide then I will comply with the order. From the beginning Your Honor, the defendants counsel never provided these names and came back with all different excuses and motions so they could avoid giving the names. Since there was a long holiday weekend , I couldn't get to the library to print the motion, if you could please excuse me for being a couple of days late.

Your Honor, in your order dated 4/7/2016, you stated that the OCC may submit a letter requesting a pretrial conference regarding anticipated motions as specified in the Courts Individual Motion Practices. Once again, they ignored Your order and did yet another motion.

Jacqueline Silver

Prose Plaintiff

May 28th, 2016

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